

# EXHIBIT A.636

(3 of 3)

could, after all, become one of the principle resources of national income, as has been the case in Syria. In addition, Palestinian production will become a necessity to encourage professional Palestinians in this scope to come back to their homeland once a law protecting ownership and rights in the audio visual field has been issued. This will be even more necessary if a pan-Arab agreement is reached in the region.

Clearly these ideas depend to a great extent on the fulfilment of the Palestinian national goal of independence. Once achieved, there will be no excuse for Palestinians continuing with their piracy actions (such as transmitting programs from satellite stations without considering the rights of other stations).

The necessity for increased local production both in quantity and quality and the factor of competence discussed above, will encourage a number of stations - those with experience and facilities - to end their broadcasting and to refocus on production.

### **Merging and Coalition**

Competition and the need for development will lead to a new reality which will force television stations to engage in close cooperation and eventually to merge and unite in the form of one strong station. Previous experiences tell us that this is possible: five stations distributed throughout different regions of the West Bank merged in October 1998 to form one station, the "Jerusalem TV network". A similar initiative took place when "The Arab United Co." was established. Both attempts failed, because subsequently circumstances changed too rapidly. Another example is the Israeli television station Channel Two, which is owned by three different companies. These share broadcasting time and have achieved excellent success.

### **The Legal Situation**

Another important issue is the legal position of these television stations and the prospect of having a law which organises their work and existence.

According to the 1995 Press Law, the *Ministry of Information* is the only party with power and jurisdiction over television stations. The Ministry has issued permits for the stations to function and it is still the party with control over the work and legal regulation of these stations. As for the role of the *Ministry of Interior*, it believes itself to be in competition with the Ministry for Information. The latter issues yearly permits to the stations, renewable when a station's work has been "acceptable" according to the standards of the Ministry. A further condition is that the owner of a station must receive a "good conduct certificate" from the Ministry of Interior. On several occasions, the Ministry of Interior has used its security organs to close stations and to arrest their owners and directors.

*The Ministry of Communications* also believes that it must have a responsibility over the stations, since they use restricted frequencies. The Ministry, however, has little jurisdiction in this field as it faces the uncompromising Israeli position on broadcasting. Negotiations with Israel will solidify the Israeli position.

Taking all these complications into account, *the Council of Ministers* issued a decision on the 5 June 1997, confirming the right to freedom of expression of political ideas and that Palestinian air-space is open to all political affiliations. The decision also authorised the Minister of information, *Yasser Abed Rabbo*, to form a special committee to study the current position of television stations. The committee was formed of representatives from the concerned ministries, members of the television stations and some correspondents and technicians. Disagreements within the committee hampered progress. Subsequently, the Minister of Information issued a limited number of new temporary permits. This, however, did not protect the stations from interference by security organs.

### **Trade Union protection**

In mid 1997 the Union of Radio and Television Stations in Palestine was founded. It included the majority of the up and running stations, and had two central aims: to protect the interests of the stations and to organise their work and their relationship with political officials. Although the Union failed to succeed in executing its suggested role, it created a sense of unity and cooperation between its members. This was reflected in the decision by stations from the north of the West Bank to go on strike following the closure of some stations in the District of Ramallah.

### **The Audio-Visual Project Law**

This project was put forward by the Ministry of Information and was based on the peculiarity of the Palestinian situation and on a similar law used in Lebanon. The Ministry also held some workshops and seminars to discuss this project and subsequently made some alterations. Yet it was to remain a draft project and was never presented to the Palestinian Legislative Council for discussion on the grounds that its conceptual basis presupposes that the Palestinian Authority has sovereignty over the Palestinian Territories. Until such a time and until this project receives approval by the Legislative Council, the work of television stations will continue to face obstacles and abuses based on unpredictable moods and interests within the Palestinian community.

### **Conclusion**

Regardless of all the circumstances surrounding the establishment and the work of these stations, their very existence represents in itself an extraordinary experience in our Arab world.



*It also reflects the uniqueness of the Palestinian situation and expresses Palestinian's commitment to the principles of democracy and freedom of expression. We may therefore be confident that these stations will develop in the future and that some of them may even become satellites for the Arab world and for the world, in its unified bid for establishing a modern civilization, in general.*

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Mr. Maher Al-Masri  
Director General  
Ministry and Publications Dept.  
Ministry of Information  
Ramallah - Palestine

12th

Sept. 1999

National Greetings

Subject: Our report on "Media in Palestine: Between the  
PNA's  
Hammer and the Anvil of Self-Censorship|

The PHRMG is happy to present its above mentioned human rights report for the attention of the Ministry of Information, for your comments and amendments, if applicable, to have an official response from the Ministry to be attached to the report when it is published.

Many thanks from your cooperation.

Yours truly,

Bassem Eid  
Director General  
PHRMG

**Reply and comments of the Ministry of Information On the PHRMG  
report**

Mr. Bassem Eid  
Director of the PHRMG

26.9.1999

Greetings,

After thanking you for giving us the opportunity to review your report

"Media in Palestine: Between the PNA's Hammer and the Anvil of Self-Censorship" before publishing it, we stress our gratitude for the effort deployed and confirm the following:

**First:** Judging the PNA in general or its policy towards media in Palestine in particular, must set out from its privacy or the factors that affect it, specially as the nightmare of the Israeli occupation with its aggressive military policies and its measures against press and journalists that exceeded all the boundaries in which the Palestinian media move.

The responsibility of the Israeli occupation is not limited to the direct policies and measures that it takes, but also in taking the agreements signed between the two sides, the Palestinian and the Israeli, as a base to launch a political and media campaign, and practice a group of different pressures with various excuses, labelled under what Israel considers uprooting the infra-structure of violence and terrorism, and all that gives them life and support.

We shouldn't mix here between: a) the policies and measures taken, or might be taken by the PNA, who works to fulfil the Palestinian rights and wring freedom and independence for the Palestinian people. The PNA is in most of the cases forced to take measures related to the higher national interest or to protect a party, or parties, involved in the case.

And b) the policies and measures that are carried out or committed by the occupation. Those policies and measures are produced by the occupation whose aim is to keep the Palestinian people detained under the occupation and the confiscation of its land and identity, and suppressing its freedom and undermining its rights. On the other hand, the policies and measures that come from the PNA are produced by a legal, national and elected authority. Therefore, there is no chance for comparison, equality, misinterpreting or mixing between these two subjects. How, then, if they are distinguished, and for whose interest?



For the interest of the occupation whose actions are described with underestimating words like "limited" in order not to provoke it, or is this word "limited" properly used when we talk about major issues like not giving the Palestinian share in the wave frequencies, or pressing for the closure of stations and so on.

**Second:** From the basic conditions regarding the effectiveness of any report, is not to have previously taken positions, and be objective, honest and precise. We are sorry to say that your report doesn't follow these principles in some, or even many situations. It looks prejudiced against the Authority, critical to it, and overestimates its errors and mistakes.

The report isn't concerned with mentioning the point of view of many of the security services and members who have been criticized, specially in questions that require hearing them, and displaying the different ideas and parties, following the most simple method in the professional journalistic honest work. For example, some of the measures taken by the Ministry of Information were mentioned in a completely inaccurate manner, or even, a false way, we may say.

The report mentioned, in page 17, that on 16<sup>th</sup> and 17<sup>th</sup> February 1998 that local TV stations were closed by the Ministry of Information because "they contradict the related laws and orders", which implies that some unknown matters are behind the closure, when the truth was that the decision to close those stations relates basically to the attempt to organize the work of the audio-visual stations, and put an end to the chaos in the increasing unsystematic unprofessional situation, which harms the higher national interest of the security of the homeland.

In order to confirm that the reason behind the closure relates to lacking the professional requirements, we may say that six of those eight stations that were closed were reopened after they met the required criteria.

(Attached the decision of closure of the eight stations, and the decision of reopening six of them)

Another example for not being precise we find in the report regarding the *al-Ru'aa* TV station last May, where you presented the matter as if the PNA created an issue about the protest by the Christian sect, when the truth was, regardless of the legality and continuity of the closure until this time, that the station was closed after petitions were presented from a group of Christian brothers who considered the script play "*Natreen Faraj*" as disregarding Jesus Christ. A communiqué was also issued by the Patriarchate with the same meaning. You may ask for copies of these petitions and this communiqué, which means that the subject raised some reactions, and wasn't created by the Authority, although we say that the play was taken more seriously than possible, and was misinterpreted

as a message directed against occupation and settlements and didn't mean to disrespect Jesus Christ in any way.

A third example, and the most influential, relates to the intensive activity in recording the violations and abuses committed by the PNA against press and journalists, with no similar activity to register or indicate the important achievements that were accomplished, starting with the press law in 1995, that guarantees the freedom of press and expression, the flowing and exchanging of information, and restricts the movement of the executive authority in solving disputes with the media, by appointing the judiciary and its courts and as the two parties to decide in disputes and abuses that occur or committed with or against any media party. Its only worth mentioning that this law prevented previous monitoring of any printed material, and allowed its publication and distribution without any monitor or observer. It allowed for easy measures regarding licensing newspapers and magazines, which allowed for 140 newspapers and magazines; daily, weekly, and seasonal, in this short period. It is also worth mentioning that all Arabic and foreign newspapers and magazines could be imported and distributed with no problems, even those that may contain criticism to the PNA or the PLO, because we believe in freedom of expression and political and thought pluralism. In this regard, we draw the attention of those who prepared the report to the fact that many newspapers and magazines, specially those produced by the opposition, contain wide and deep criticism, sometimes harmful, without being stopped by anyone. Moreover, the newsletters and magazines, issued by the human rights organizations are printed and distributed freely, in a manner not found in countries that pass a transitional phase like the one we live in, and don't suffer exceptional circumstances like those we live.

Adopting the policy of establishing private radio and TV stations, with no hard conditions, without limiting it to the PNA supporters, reflects a democratic approach and a belief in variety and pluralism, not found in most of the 3<sup>rd</sup> world countries and the Arab world. This deserves support and respect, equally if not more than when a private station is closed. It is not enough in this respect to present abuses and hints even in the issue of having many stations, and providing false information that transmission of a station covers only one neighbourhood within a city, when in some cases it reaches tens of kilometres.

In this place, we confirm that the Ministry of Information has no rejection against establishing a private TV or radio station in Gaza, and we have received several applications for this purpose, but they didn't meet the professional and administrative requirements, and they were not pursued,

Having in mind that the transmission of some stations in the West Bank reaches Gaza.

Another example we find in the report, that it doesn't indicate to any advantage of the PNA, even when it shows that abuses have decreased in the year 1998, and



in the past part of 1999. Instead of taking that as an evidence on the improvement in the performance of the PNA, gained by learning from our experiences and mistakes, the resistance of the society and the change in the internal and external factors, the report refers that to what it calls "intensification" in self-censorship.

The springs of self-censorship are not restricted to the violations of the Authority or the influence of the advertising giants, but there are also the springs of traditions and costumes, social relations, family and tribal and sect relations, that make any criticism to an official a criticism to his family, village or camp or city or sect. There are also the extremist sides that use the cover of religion and hold the weapons in the face of any initiative even if it was by senior Islamic scientists. These people practice enormous censorship that leads to self-censorship not less than that caused by the political authority, if not more.

The important censorship, in addition, is practiced by the sponsors of the newspapers and magazines themselves, as we can't ask or wait for the supporter of the Authority to make his newspaper follow the opposition or wait for the magazines of the opposition to support the Authority, this would be against the logic of things.

**Third:** In countries all over the world, those that are named democratic or the real democratic ones, there are subjects that are taboo, no one may discuss or talk about, because they may cause dispute or touch beliefs and thoughts of other, or harm the high national interest, or lead to racial or religious discrimination, urge for violence or disrespect divine religions, and others that became like holy matters that must be dealt with through judiciary, and not through any official in the executive authority, regardless of his high position, at the time of wars, emergencies, natural catastrophes and so on.

**Fourth:** The report falls into false accusation when it suggests that implementing the decree on incitement will necessarily lead to an increase in the suppression of Palestinian media. The case of the writer of the report is similar to that who told a lie then everybody believed it, he began to deal with it as a truth. The full truth is that about a year have passed since the establishment of the "suggested" committee for incitement, yet we didn't see until now any interference or influence on the Palestinian media. Incitement genuinely springs out from the occupation and its actions and policies, and this committee has to focus on that. As for taking away the Palestinian memory and preventing freedoms and the change of syllabuses, all these are Israeli projects that shouldn't be dealt with as official Palestinian policy that await the convenient chance to appear. The policy that urges for violence and racial discrimination and oppose peace is spread through out the extremist Israelis in a way that make fighting against what these extremists transmit a priority for the Palestinian side in the committee against incitement to focus upon. We also remind the writer of the report that we have the press law of 1995 to rely upon as a reference regarding the freedom of press



and media, we don't really know where from the report brought all this talk about suppression after issuing the decree on incitement?

**Fifth:** Based on what was mentioned earlier, we confirm that the PNA appreciates the important role of the various legal organizations, and that defending the Palestinian human rights, and those concerned with abuses committed against press and journalists, as they believe in the essential assistance to free the hands of the Palestinian media to enable it to take its basic role in the ballet to achieve national independence, development, and establishing democracy. Media is not only "her majesty – the fourth authority" but it is at present, at the time of the revolution of information, communications, satellites and internet, competing to take over the place of the first authority.

We in the Ministry of Information confess that there is a necessity to develop the role of the authority in the field of putting forward legislations and legal systems that guarantee the protection of all freedoms and on top the freedom of the press, and providing the suitable work atmosphere, and put our attention to fulfilling the most refined experiments of democracy on the basis that democracy is not only a silly dream but a way of life

Whose characteristics are dependent on the political, economical, and cultural development of the concerned country. Stages can't be burnt hastily, nor we can go slackening, but as the French proverb says "Let's hurry slowly" according to the need, capacity, and requirements of the real situation.

**Finally:** We bolster your efforts and hope that those comments would find their right response, and it is important to note that there are many issues in your report that require revision and reference to the related parties, such as the closure of "an-Nahar" and "al-Bilad" newspapers, for reasons related to the Authority and the allowed margin of freedom, when the truth was that they both stopped appearing due to financial reasons before anything else.

With much gratitude,

Hani al-Masri

Director General

Press and Publications